



**TOWN OF HARPSWELL  
PLANNING BOARD MINUTES  
MARCH 15, 2006**  
Approved April 19, 2006

**MEMBERS PRESENT**

John Papacosma, Chairman  
Dorothy Carrier, Vice Chairman  
Joanne Rogers  
George Swallow  
Kenneth Cichon, Associate Member

**MEMBERS ABSENT**

Henry Korsiak

**STAFF PRESENT**

Jay Chace, Planner  
Marsha Hinton, Recording Secretary

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The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by Mr. Papacosma, Chairman.

Mr. Papacosma, Chair, stated that due to the absence of a voting member that he was appointing Mr. Cichon as a full voting member for this evening's meeting.

**Minutes of February 15, 2006**

Ms. Rogers moved, seconded by Ms. Carrier to accept the minutes as printed. Unanimous Approval

Mr. Papacosma reviewed the Planning Board site visits on March 13, 2006, and stated that all board members present at this evening's meeting attended those visits.

**OLD BUSINESS**

**Item 1**

**06-01-01** Laurie B Haggerty/Eleanor C French, Subdivision Amendment Review, Proposed Lot Division, Interior, Tax Map 50-187, Harpswell Islands Road, Harpswell.

Mr. Chace, Town Planner, stated that the Planning Board had granted preliminary approval on all standards except § 9.4 Lots and § 9.5 Land not suitable for development.

The Planning Board discussed the slopes, development restrictions within the lots, and the size of the two new lots.

**9.4 Lots**

Mr. Papacosma moved, seconded by Ms. Carrier to find that the application meets the requirements of § 9.4. Unanimous Approval

**9.5 Land not suitable for development**

Mr. Papacosma moved, seconded by Ms. Carrier to find that based on the testimony and the lots being what they are that the requirements of § 9.5 have been met. Unanimous Approval

Ms. Carrier moved, seconded by Mr. Swallow to find that the application meets the standards of the subdivision ordinance. Unanimous Approval

**Item 2**

**06-02-01** Edwin Bonés, Reconstruction of Non-Conforming Structure, Shoreland Residential, Tax Map 53-55, 145 Wallace Shore Road, Harpswell.

Mr. Bonés explained the proposal to tear down the existing structure and rebuild on the existing footprint. Mr. Bonés described how the question arose about the status property as it relates to § 15.1.2 of the Shoreland Zoning Ordinance. Mr. Bonés stated that there are differing opinions within the Department of Environmental Protection as well as differing opinions from attorneys in the interpretation of § 15.1.2 of the Shoreland Zoning Ordinance and requested clarification from the Planning Board. Mr. Bonés asked that this question be resolved prior to his development of a site plan or formalizing the tote road easement.

Mr. Chace explained that the Planning Office as well as the Codes Enforcement's view is that this is one lot. Mr. Chace read an e-mail from the town's attorney received March 15, 2006, and entered it into the record.

The Planning Board discussed the topography of the site, the road, reducing non-conformity, septic, the deed, and protection of the resource.

The Planning Board was polled and agreed that this site was one lot.

Mr. Papacosma, Chair, opened the floor to members of the public who wished to comment on this agenda item. None being seen, Mr. Papacosma, Chair, closed the public portion of the meeting.

The Planning Board discussed relocation of the structure with regard to the standards of § 10.3.2.2 of the Basic Land Use Ordinance.

Ms. Rogers moved, seconded by Mr. Swallow to find that based on the criteria of Basic Shoreland Ordinance § 10.3.2.2 the request for reconstruction of non-conforming structure does not meet the setback to the greatest practical extent and therefore the request is denied. Unanimous Approval

Mr. Chace, Town Planner, informed the applicant that he has 40 days in which to appeal the decision of the Planning Board.

**Item 3**

**06-02-02** Kalia, LLC, Site Plan Review, Approval of Business Location, Interior, Tax Map 4-38, 506 Harpswell Neck, Harpswell.

Mr. Davis described the proposed use, the historic uses of the property, the parking area, traffic circulation, impervious surface, the artesian well, septic, drainage, screening, pedestrian access, signage, comments from abutters, and lighting.

The Planning Board discussed the size of the impervious surface, traffic safety, layout of the parking area, number of seats, subsurface wastewater removal, dry hydrant, and water supply. The Planning Board directed the Town Planner to present a recommendation to the Harpswell Selectmen from the Planning Board to reduce the speed limits in the vicinity of the intersection of Mountain Road and Route 123.

Mr. Papacosma, Chair, opened the floor to members of the public who wished to comment on this agenda item. None being seen, Mr. Papacosma, Chair, closed the public portion of the meeting.

## Planning Board consideration of § 15 of the Site Plan Review Ordinance

### § 15.1 Dimensional Requirements

Mr. Papacosma moved, seconded by Ms. Carrier to find that the requirements of § 15.1 have been met as proposed by the applicant because the site will be left as it is and there will be no increase in impervious surface. Unanimous Approval

### § 15.2 Utilization of the Site

Ms. Rogers moved, seconded by Ms. Carrier to find that there are no proposed alterations to the site and the existing development meets the standards of § 15.2 Utilization of the Site. Unanimous Approval

### Section 15.3 Adequacy of Road Systems

Ms. Carrier moved, seconded by Ms. Rogers to find that the application meets § 15.3 Adequacy of Road Systems because the applicant has stated that the proposal calls for utilizing the existing access location. Unanimous Approval

### Section 15.4 Access into the Site

Ms. Rogers moved, seconded by Mr. Swallow to find that the application meets the requirements of § 15.4 Access into the Site because the proposal calls for using the existing access location. Unanimous Approval

### Section 15.5 Access/Egress Way Location and Spacing

Ms. Carrier moved, seconded by Ms. Rogers to find that § 15.5 Access/Egress Way Location and Spacing does not apply because the standards do not require the applicant to move the driveway or create a new one. Unanimous Approval

### Section 15.6 Internal Vehicular Circulation

Mr. Cichon moved, seconded by Ms. Rogers that the application meets the requirements of § 15.6 Internal Vehicular Circulation in that it provides parking area and a circulation isle of adequate dimensions. Unanimous Approval

### Section 15.7 Parking

Ms. Rogers moved, seconded by Ms. Carrier to find that the application meets the standards of § 15.7 in that the Planning Board has thoroughly discussed going in and going out and through and it does appear that there is an adequate number of parking spaces for employees and clients. Unanimous Approval

### Section 15.8 Pedestrian Circulation

Ms. Carrier moved, seconded by Ms. Rogers to find that the application meets the requirements of § 15.8 Pedestrian Circulation because there is no indication on the plan of obstruction to walking safely on the property. Unanimous Approval

#### Section 15.9 Stormwater Management

Ms. Rogers moved, seconded by Ms. Carrier to find that the applications meets the requirements of § 15.9 Stormwater Management as there is to be no change to the layout of the property and at this time the Planning Board is unaware of any stormwater issues. Unanimous Approval

#### Section 15.10 Erosion Control

Ms. Carrier moved, seconded by Ms. Rogers to find that the application meets § 15.10 Erosion Control because there is no anticipation of doing anything to interfere with or disturb the soils currently on this property. Unanimous Approval

#### Section 15.11 Water Supply and Groundwater Protection

Mr. Cichon moved, seconded by Mr. Papacosma to find that the application will meet the requirements of § 15.11 Water Supply and Groundwater Protection conditioned upon the satisfaction of all applicable requirements of the State of Maine and documentation provided with regard to the proposed supply conforming with design standards, the use not being an undue burden on the resource, and that it will provided adequate fire protection flows. Unanimous Approval

#### Section 15.12 Subsurface Waste Disposal

Ms. Rogers moved, seconded by Mr. Swallow to condition approval of § 15.12 upon all Maine subsurface wastewater disposal rules being met prior to a permit being granted by the Town of Harpswell. Unanimous Approval

#### Section 15.13 Utilities and Essential Services

Ms. Carrier moved, seconded by Ms. Rogers to find that § 15.13 does not apply as the application does not appear to be proposing any new utilities. Unanimous Approval

#### Section 15.14 Natural Features and Buffering

Ms. Rogers moved, seconded by Ms. Carrier to find that § 15.14 does not apply. Unanimous Approval

#### Section 15.15 Lighting

Ms. Rogers moved, seconded by Ms. Carrier that the application will meet the requirements of § 15.15 in that the applicant does not appear to be proposing any new lighting on the site. Unanimous Approval

#### Section 15.16 Water Quality Protection

Mr. Swallow moved, seconded by Mr. Papacosma to find that the proposal will meet all the requirements of § 15.16. Unanimous Approval

#### Section 15.17 Hazardous, Special and Radioactive Materials

Ms. Carrier moved, seconded by Mr. Papacosma to find that § 15.17 do not apply as they will no be handling or storing any hazardous, special, or radioactive materials. Unanimous Approval

#### Section 15.18 Solid, Special and Hazardous Waste Disposal

Mr. Papacosma moved, seconded by Ms. Carrier moved that the applicant will meet the requirements of § 15.18. Unanimous Approval

#### Section 15.19 Historic and Archaeological Resources

Ms. Rogers moved, seconded by Ms. Carrier to find that item § 15.19 Historic and Archaeological Resources does not apply, as there are no known resources on this site. Unanimous Approval

#### Section 15.20 Floodplain Management

Ms. Carrier moved, seconded by Mr. Cichon to find that § 15.20 Floodplain Management does not apply. Unanimous Approval

#### Section 15.21 Technical and Financial Capacity

Ms. Carrier moved, seconded by Mr. Papacosma to find that § 15.21 Technical and Financial Capacity does not apply as the proposal is not going to do anything substantial to the site. Unanimous Approval

Ms. Rogers moved, seconded by Mr. Cichon to find that the application meets the requirements of § 15 of the Site Plan Review Ordinance. Unanimous Approval

### **NEW BUSINESS**

#### **Item 1**

**06-03-01** John Faulkner, Reconstruction of Non-Conforming Structure, Tax Map 16-330, 106 Stover's Point Road, Harpswell.

Mr. and Mrs. Faulkner described the changes to the plan from the one provided to the Planning Board and explained the computation figures. Mr. Faulkner discussed the packet materials provided to the Planning Board. Mr. and Mrs. Faulkner submitted a revised foundation plan and revised computation sheets.

Mr. Chace, Town Planner, entered the revised foundation plan and revised computation sheets into the record.

The Planning Board discussed setbacks, roads boarding the property, conformity, where the Shoreland zone intersects the property, a revised plan, the entry way, the driveway, the dimensional computations, the building envelop, and standards for the interior zone.

Ms. Rogers moved, seconded by Ms. Carrier to find that the application meets the requirements of § 10.3.2.2 to the greatest practical extent with reference to the revised foundation plans submitted on March 15, 2006. Unanimous Approval

The Planning Board was polled and it was agreed that due to the lateness of the hour that new business agenda items two and three would be continued until the next meeting of the Planning Board.

**Item 2**

**06-03-02** James Herrick (David & Lindsay Deinzer – Owners), Reconstruction of Non-Conforming Structure, Tax Map 18-84 & 86, 1844 Harpswell Neck Road, Harpswell.

Continued.

**Item 3**

**06-03-03** Douglas Steele (Steele, et al – Owners), Reconstruction of Non-Conforming Structure, Commercial Fishing 1, Tax Map 37-71, Long Point Road, Harpswell.

Continued.

**OTHER BUSINESS**

The Planning Board discussed road setbacks, § 15.2 of the Site Plan Ordinance, and the Ordinance Definitions Addendum.

There being no other business before the Planning Board, **MS. ROGERS MOVED, SECONDED BY MS. CARRIER TO ADJOURN.**

Meeting adjourned at 10:00 p.m.

Respectfully Submitted,

Marsha M. Hinton  
Planning Assistant